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REMARKS/ ARGUMENTS

In this Amendment, the claims have been renumbered to reflect the examiner's findings in the 8/28/03 Official Action. Claims 33 and 82 have been cancelled. The subject matter of claim 82 had already been incorporated into claim 1, making claim 82 duplicative to the claim language of claim 1. New claims 84-87 have been added. Claims 1-32, 34-79, 83-87 are pending in the present application.

The claim renumbering was made necessary due to the PCT receiving office's refusal to accept applicant's late submission the unintentionally omitted page 19, containing part of claim 30 and all of claims 31-39. Claim 30 has been amended and new claims 84-87 have been added herein to provide the unintentionally omitted claim text. No new matter is added hereby. This amendment should overcome the objections to claim 30 and to the remaining claim numbering raised by the examiner in the Official action. Examination of claims 84-87 is hereby requested.

Claims 34, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 58, 59, 60, 62, 64, 66, 68, 70, 71, 72, 74, 76, and 78 have been amended to reflect changed dependencies resulting from the renumbering of the claims.

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1. Ekenstam et al ("the '958 Reference") Does Not Disclose Each Element of Claims 1, -5, 7, 8, 11-13, 15, 18-20, 29, 31, 32, and 35-79.

In the Official Action, the examiner rejected Claim 1 under 35 USC 102(b) as anticipated by Ekenstam et al., (US Patent No. 2,889,958, "the '958 reference").

Claim 1 recites:

A carrier comprising a sheet having a first portion and a second portion; *a retainer in said first portion* for containment of product, said retainer comprising *a pocket or a hole* therein; a fold in said second portion such that the second portion is *foldable towards the retainer to form a cover therefor*; and a join between said cover and the retainer. (emphasis added)

The '958 reference does not describe "a retainer in said first portion"... "comprising a pocket or a hole therein" as claimed in Claim 1. According to the '958 reference, the "individual pocket" defined in the strip 9' is formed between the folds of a single layer strip when the marginal edges of the strip are folded in accordion fashion and are fastened together to form individual pockets for each article (Col., 2, lines 25-31). The '958 single layer strip lacks a "retainer" in the first section of the single layer strip, as the '958 "individual pocket" is neither a hole nor a pocket in the first portion, which is subsequently covered by a second portion of the carrier strip. In fact, there is no "individual pocket" formed until after the folding of the strip and the sealing of its marginal edges of the '958 reference. Thus, claim 1 requires a retainer comprising a hole or pocket in the first portion of the strip. This element is lacking in the '958 reference. Claim 1 is novel over the '958 reference. Claims 2-28, 32, 34-81, 83-87 depend on claim 1, and are novel from the same reasons.

Claim 29, the only other independent claim pending in this application, recites:

A method of making a carrier comprising forming a retainer, comprising a pocket or hole therein, in a first portion of a sheet or elongate strip; filling said retainer with product; folding a second portion of said sheet or elongate strip towards the retainer to form a cover therefor; and forming a join between said cover and the retainer."

This method also requires that the retainer be present as a pocket or hole in the first portion. The retainer exists prior to filling. After filling, the second portion covers the retainer, and a join is formed between this cover and the retainer. Again, the '958 reference, lacks any pocket to hold the in the first portion. The "individual pocket" of the '958 reference is not present until after the marginal edges are sealed. Thus, Claim 29 is also novel over the '958 reference. Those claims dependent on claim 29, i.e., claims 30 and 31, and new claim 84 are novel over the '958 reference for the same reason.

Withdrawal of the 102(b) rejections of claims 1-5, 7-, 8, 11-13, 15, 18-20, 29, 31, 32, 33, 35-79 and 83 is respectfully requested.

With further regard to the 102(b) rejection of claim 4, the '958 reference discloses that each sealed adjacent edge of the folded strip forms a single "individual pocket." Col. 2, lines 27-31. As explained above, the '958 reference fails to disclose a first portion with a single "retainer therein" let alone a plurality of "retainers". While a plurality of individual pockets may be shown in succession in '958 reference, the reference does not teach "a plurality of retainers in the first portion" as required by claim 4. As all elements of claim 4 are not disclosed in the '958 reference, the claim is novel, for these additional reasons.

Pertaining to claim 5, the '958 reference discloses that the single layer strip is folded over and its edges sealed to form a "pocket". Nowhere in the reference is it disclosed that "the first portion is foldable towards the retainer to form a base therefor." Further, no join between this base and the retainer is described. For these additional

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reasons, all elements of claim 5 are not disclosed in the '958 reference. Claim 84 is novel for the reasons as expressed for claim 5.

Contrary to the examiner's assertions concerning Claims 35-79, each of these claims recites a specific article which is a physical limitation. To anticipate a claim, a single reference must disclose the claimed element. For example, claim 36 discloses a specific list of medicaments. These medicaments are not disclosed in the '958 reference. The same holds true for each of claims 35-79. For this additional reason, claims 35-79 are novel over the '958 reference.

For these reasons, applicant asserts that Claims 1-5, 7, 8, 11-13, 15, 18-20, 29, 31, 32, 35-79 and 83 are novel over the '958 reference. Withdrawal of the 102(b) rejection is therefore requested.

2. Claims 6, 9, 16, 17, 21, 22, and 24-28 Are Not Rendered Obvious Over Ekenstam et al. in view of Kallstrand et al. (US 5,533,505 or "the '505 reference")

Claims 6, 9, 16, 17, 21, 22, and 24-28 are dependent on claim 1, directly or indirectly. Each of these claims is patentable for the reasons provided above for independent claim 1. The examiner has not established that the '958 reference teaches all elements of independent claim 1. Withdrawal of the 103 rejection is requested for this reason. Applicant does not acquiesce to any additional grounds provided by the examiner for rejecting the dependent claims.

Concerning claim 6, in addition to the reason previously stated, while the '505 reference teaches a laminated plastic over foil tape which forms the carrier, it does not teach "an inert support within the retainer for bearing product thereon" as recited in claim 6. This separate article is not described in either the '958 or '505 reference. Withdrawal of the 103 rejection as to claim 6 for this additional reason is requested.

With regards to claim 25, the examiner points out that the '505 references' "housing" comprises elements 1 and 2. The recess (3) is described in '505 reference as

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being located in element 2, the lower part of the housing. Claim 25 requires a carrier and a housing. The housing is required to have a holder for receipt of the retainer of the carrier. No holder for receipt of the retainer of the carrier is described in the '505 reference, nor in the '958 reference. For this additional reason each element of claim 25 has not been established by the examiner to be found in the '505 and '958 references. For this additional reason, withdrawal of the 103 rejection is requested.

As for claim 27 and 28, the claims require a separate pull release tab and a release mechanism to which the tab attaches. However, no release mechanism is disclosed in either the '505 or '958 references. Tearing tab 25 is not described as attaching to anything, let alone a release mechanism in the '505 reference. Withdrawal of the 103 rejection of claims 27 and 28 for this additional reason is requested.

3. The Teachings Of The '958 And '505 References View Of Jahnsson Fail To Establish A Prima Facie Case Of Obviousness of Claims 23 & 83

Claim 23 is dependent upon claim 21, which depends from claim 1. As explained above, claims 1 and 21 are both patentable. Claim 23 is patentable as being dependent upon patentable claims. The applicants do not acquiesce in any finding of the examiner concerning claim 23.

Claim 83 is dependent upon claim 36, which depends from Claim 1. As explained above, claims 1 and 36 are both patentable. Claim 83 is patentable as being dependent upon patentable claims. Again, applicants do not acquiesce in any finding of the examiner concerning the claim 83.

4. The Examiner Has Failed To Establish A Prima Facie Case Of Obviousness of Claims 10 And 14 Based On The '958 Eckenstam And '719 Levine References.

Claim 10 recites a release pull tab of claim 1 with at least one perforation in it. The examiner cites the '719 reference for allegedly providing this perforation element. Claim 10 though depends ultimately from claim 1. As previously explained, Eckenstam

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does render claim 1 unpatentable. No "retainer" is described in the '958 reference. Claim 10 is patentable as being based upon patentable subject matter.

In addition, the '958 reference pertains to a dispensing system wherein the contents of individual pockets made between folds in a strip are successively opened by pulling on the end of the same strip. The article contained in an individual pocket is ejected from a slot or gap (6) upon the free end of the strip (9') being pulled beyond a guide plate 4. Retaining the free end of the strip (9') of previously exposed pockets allows the user to grip and pull the strip, thus dispensing the next article (13).

The '719 reference on the other hand relates to perfume and cosmetic samples (with both a bottom portion and a cover portion), where perforations in a strip of these samples allow individual unopened samples to be separated and distributed. (col. 2, lines 28-43). Perforations allow for easier separation of unopened samples.

One would not be motivated to take a means for separating unopened samples from the '719 reference and use it in a system for dispensing articles as in the '958 reference, where the means for dispensing articles requires the user to grip the strip which remained after previous articles had been dispensed.

For this additional reason, no case of obviousness has been established in relation to claim 10. Withdrawal of the 103 rejection is respectfully requested.

Claim 14, is dependent on claim 13, which in turn depends from claim 12, which is dependent on claim 11, which is ultimately dependent from claim 1. Claims 1, 11-13 are patentable for the reasons previously set forth. Claim 14 is patentable for these same reasons.

It is likewise patentable for the same reasons expressed for claim 10 above. One would not be motivated to insert a point of weakness in a system such as the '958 reference describes, as it could lead to breaking of the previously dispensed lengths of the

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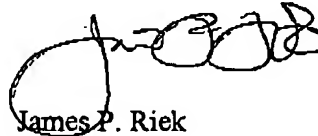
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strip which one needs to grasp in order to open the next individual pocket and eject its content.

Applicants assert that the case is in a condition for allowance. If there are any minor points which preclude allowance of this case, the examiner is requested to call the applicants' attorney at the number given below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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